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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

SAFECO INSURANCE COMPANY OF
AMERICA, as subrogee for Gerard and
Velma Michaelson,,

Plaintiff,

v.

RHEEM MANUFACTURING
COMPANY, a Delaware Corporation,,

Defendant.

No.

NOTICE OF REMOVAL OF CIVIL
ACTION

PLEASE TAKE NOTICE that defendant, Rheem Manufacturing Company (“Rheem”), by and through its undersigned counsel, hereby removes this action from the Superior Court of the State of Washington for the County of Benton (“State Court”), pursuant to 28 U.S.C. §§ 1332 and 1441, to the United States District Court for the Eastern District of Washington. As grounds for removal, and reserving all rights, objections, and defenses, Rheem represents as follows in support of this Notice of Removal:

1. On or about September 18, 2018, plaintiff, Safeco Insurance Company of America (“Safeco”), served Rheem with a Summons and copy of Safeco’s Complaint filed in the State Court, Case No. 18-2-02240-03 (the “Action”). True and correct copies of Safeco’s Summons and Complaint are attached hereto as Exhibit A. A true

1 and correct copy of the Notice of Appearance on behalf of Rheem filed by Tamara K.
2 Nelson of the firm, Merrick, Hofstedt & Lindsey, P.S., is attached as Exhibit B.

3 2. The Action is removable pursuant to 28 U.S.C. § 1441(a) which provides
4 that “any civil action brought in a State court of which the district courts of the United
5 States have original jurisdiction, may be removed by the defendant or the defendants, to
6 the district court of the United States for the district and division embracing the place
7 where such action is pending.”

8 3. Venue is proper in the Eastern District of Washington because this Court
9 embraces the place where the State Court Action is pending.

10 4. This Court has original jurisdiction over the Action pursuant to 28 U.S.C.
11 § 1332(a) because: (1) this is a civil action between citizens of different states, and (2)
12 the substantive allegations of Safeco’s Complaint can be fairly read to indicate that the
13 amount in controversy exceeds \$75,000, exclusive of interest and costs.

14 *Diversity of Citizenship*

15 5. Upon information and belief, Safeco is, and at all relevant times has been,
16 a resident of and domiciled at 62 Maple Avenue, Keene, New Hampshire, 03431, as set
17 forth in the records of the Washington Office of the Insurance Commissioner (“OIC”),
18 attached as Exhibit C.

19 6. Rheem, is, and at all relevant times has been, a Delaware corporation, with
20 its principle place of business in the State of Georgia. Rheem is the only defendant in
21 the Action.

22 *Amount in Controversy*

23 7. Safeco’s complaint does not state a specific sum for monetary damages.

24 8. Pursuant to 28 U.S.C. § 1446(c)(2)(A)(ii), Rheem asserts that the
25 substantive allegations of Safeco’s complaint can be fairly read to indicate that the
26 amount in controversy exceeds \$75,000, exclusive of interest and costs.

1 8. In support of this assertion, Rheem relies on: (1) the portions of Safeco's
2 complaint alleging damages that flow from a residential fire loss; (2) communications
3 between Rheem and Safeco prior to the filing of the complaint; and (3) further
4 investigation of the facts known to date by Rheem.

5 9. Accordingly, the amount in controversy exceeds \$75,000, the amount set
6 forth in 28 U.S.C. § 1332(a), by a preponderance of the evidence pursuant to 28 U.S.C.
7 § 1446(c)(2)(B).

8 *Compliance with Procedural Requirements*

9 10. Copies of all process, pleadings, and orders from the Action are annexed
10 hereto, in accordance with 28 U.S.C. § 1446(a).

11 12. This Notice of Removal is filed within thirty (30) days after Rheem was
12 served with Safeco's complaint, and is thus timely under 28 U.S.C. § 1446(b)(1).

13 13. Rheem will promptly give written notice of this removal to Safeco and file
14 a copy of this Notice with the State Court, in accordance with 28 U.S.C. § 1446(d).

15 14. Trial has not commenced in the state court action.

16
17 WHEREFORE, Rheem, through its undersigned counsel, gives notice that the
18 Action is hereby removed from the Superior Court of the State of Washington for the
19 County of Benton, to the United States District Court for the Eastern District of
20 Washington.

21 DATED this 16th day of October, 2018.

22 MERRICK, HOFSTEDT & LINDSEY, P.S.

23 By s/Tamara K. Nelson

24 Tamara K. Nelson, WSBA #27679
25 Of Attorneys for Defendants Rheem
26 Manufacturing Company

CERTIFICATE OF SERVICE

I do hereby certify that on October 16, 2018, I caused the foregoing *Notice of Removal* to be filed and served on counsel for Plaintiff using the Court's CM/ECF system:

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s/ Tamara K. Nelson
Tamara K. Nelson